IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.578 OF 2003

The State of Maharashtra. ..Appellant.

V/s.

Madhukar Chandrarao Nigade. ..Respondent.

Smt.G.P.Mulekar, APP for appellant-State.

Mr.Sudhir Hardikar for respondent No.1.

CORAM: A.M.KHANWILKAR,J
DATE : DECEMBER 19, 2005.

P.C. :

1. Heard.

2. For the findings recorded in paragraph-11 of the impugned Judgment, which is not challenged by the State, the conclusion reached on the basis of the said findings cannot be doubted as the same is supported by the decision of Apex Court in the case of **Jagdish Chandra V/s. State of U.P., (reported in 1981(1) PFA Cases page 33),** which is adverted to by the Lower court. The learned APP is not in a position to dispute the same. If it is so, opinion of the Public Analyst in the present case will have to be discarded. In that case, no other conclusion, but order of acquittal will have to be recorded in favour of the respondent. Hence no case for

interference. Rejected.